रुपए प्रति वर्ष उपलब्ध कराए गए हैं। इस प्रकार एनएसएपी के लिए कुल 2407.63 करोड़ रुपए के बजट का अनुमान है।

महोदय, इसके साथ ही NREGA का जो स्टेटस है, मैं सदन में रखता हूं और भारत निर्माण के जो तीन खंड हैं, जिसका उल्लेख कल की कार्यसूची में था, वह मैं भी सदन के पटल पर रखता हूं।

**श्री मंगनी लाल मंडल** (बिहार): उपसभापति महोदय, मैं एक चीज़ पूछना चाहूंगा। मंत्री जी ने खंड 9 में उल्लेख किया है ...(**व्यवधान**)...

**श्री उपसभापति:** देखिए, इस पर क्लैरिफिकेशन नहीं ...(**व्यवधान**)... देखिए, मंडल जी ...(**व्यवधान**)...

**श्री मंगनी लाल मंडल:** जो विधवा और विकलांग हैं ...(**व्यवधान**)...

**श्री उपसभापति:** अब इसके ऊपर क्लैरिफिकेशन ...(**व्यवधान**)...

**श्री मंगनी लाल मंडल:** यह विरोधाभास है। विकलांग और विधवा के लिए शुरुआत की है या नहीं की है?

**श्री रघुवंश प्रसाद सिंह:** प्रधान मंत्री जी ने भाषण में वक्तव्य दिया था, कार्यान्वयन के लिए हम प्रस्ताव ला रहे हैं। सदन से समर्थन की अपेक्षा है।

**श्री मंगनी लाल मंडल:** ठीक है, धन्यवाद।

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## CLARIFICATIONS ON THE STATEMENTS BY MINISTERS—*Contd.*

**Re. Violence By All Adivashi Students Association of Assam (Aasaa) on 24th November, 2007 in—in Guwahati**

MR. DEPTY CHAIRMAN: Shri D.N. Sharmah. Please seek clarification on the statement made by the Minister.

SHRI DWIJENDRANATH SHARMAH (Assam): Sir, at the outset, I would like to condemn the incident that took place on 24th November. I must extend my sympathies to those people who were seriously injured, to families that lost lives and to those who lost valuable property in such incidents.

Sir, the All Assam Adivasi Students Association has been demanding Scheduled Tribe status for a long time and they feel that if Scheduled Tribe status is given to those people, they will be benefited and they would get employment. This is not a new demand in Assam. They have been agitating over this issue for the last 15 years. Every year they used to come to the capital city, Guwahati, to demonstrate and put forth their demands. Past history shows that the demonstrations made by the Adivasi Students Association earlier have been very peaceful.

MR. DEPUTY CHAIRMAN: Mr. Sharmah, this is not clarification. Please seek clarification.

SHRI DWIJENDRANATH SHARMAH: Now, Sir, I would like to ask the Government and particularly the hon. Home Minister about it since this has been a long-standing demand of such a huge population of our state. Not only that, it has been mentioned in the statement of the Minister that initially, Assam Government had been consistently opposed to such a demand. I believe, Sir, that this is not correct. The then Government may have done that but the present Assam Government has given a specific proposal and recommendation to give them Scheduled Tribe status and also to other communities like Koch Rajbongshi, Moran, Motok, Ahom, etc.

SHRI DWIJENDRANATH SHARMAH: But in the statement it is something different. So, I would like to seek clarification on that from the hon. Home Minister. Secondly, Sir, what has happened, I have already condemned. I must say, after the incident, what action the Assam Government has taken or whether quick action has been taken, that is not reflected in the Statement. Sir, I have already mentioned that because of their past history -- Adivashi Students Association people, all the time, came peacefully to the city for demonstration and for bringing out procession. May be the Police force was not adequate at that time. But it should also be clarified as to why proper action was not taken immediately. It has been mentioned in the statement that the force was not adequate at that time. Sir, this is very unfortunate. This is not the culture of Assamess society; that I must admit. It is very shameful that one girl was stripped at that time by some miscreants. But I must say here that this is not the culture of the Assamese society. For a long time, we have been living together with Adivasis, With Bengali community, with Hindi-Speaking community and with other Tribes and this is the culture of Assamese society. So, this incident does not reflect the culture of Assamese society. Sir, the Assam Government has already suspended some Police officers, transferred the District Magistrate and the Superintendent of Police, and a judicial inquiry has been announced by the Chief Minister. My observation is that those who committed such crimes like destroying the property, attacking the shopkeepers and road-side people and those who came out for attacking these Adivasi people must be punished, and this should certainly come out in the judicial inquiry. I request that those who indulged in such activities should be punished by the law. With these words, I conclude.

सुश्री सुशीला तिरिया (उड़ीसा): धन्यवाद महोदय, मैं भी 26 नवम्बर ...(व्यवधान)...

SHRI MATILAL SARKAR ( Tripura): I am giving my name for the last two days. I was the first Member. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: I will call you. List is prepared; I am going by that list.

एक माननीय सदस्य: उनको भी बुलवा दीजिए।

श्री उपसभापति: उनको भी बुलवाउंगा। His name is here.

सुश्री सुशीला तिरिया: महोदय, आपको बहुत-बहुत धन्यवाद कि आपने मुझे क्लैरीफिकेशंस के लिए समय दिया है। मैं स्वयं को केवल क्लैरीफिकेशंस तक ही सीमित रखूंगी। जैसा श्री द्विजेन्द्र नाथ शर्मा, जो असम से हैं, उन्होंने भी कहा कि यह बहुत संवेदनशील विषय है कि असम के स्टूडेंट्स, आदिवासी स्टूडेंट्स, बहुत लम्बे समय से जो लोग अधिकार मांग रहे हैं-रिज़र्व क्लास के होने के बावजूद भी रिज़र्व न होने की वजह से वे लोग अपने अधिकारों की मांग करने के लिए मैदान में उतरे हैं। मैं केवल यह कहना चाहूंगी कि जो बच्चे दुर्बल हैं, उनको रिज़र्वेशन दिया जाता है, उनको अधिकार दिया जाता है। आज रिज़र्वेशन से ऊपर उठकर ही जो स्टूडेंट्स नहीं आ पाए, उनको वहां पर रिज़र्वेशन नहीं मिला, अपने हक और अधिकार के लिए वे लोग मैदान में उतरे और अपनी मांग के लिए आए हैं। हर साल की तरह तीस-चालीस साल से उन लोगों की रैली होती है, धरना प्रदर्शन होता है। उसके बावजूद भी डिस्प्लिन्ड तरीके से, शांतिपूर्वक तरीके से तीस-चालीस साल से वे आज तक रैली करते आए हैं। लेकिन इस साल 24 नवम्बर में वे लोग इस कदर उतर आए क्योंकि स्टेटमेंट में दिया गया है कि स्टूडेंट्स वायलेंट थे, यह पढ़कर भी मुझको दुख हुआ है, क्योंकि स्टेटमेंट में वॉयलेंस बाइ दि ट्राइबल स्टूडेंट्स लिखा है, तो क्या सरकार के पास इस तरह की कोई इंफर्मेशन नहीं थी कि उस दिन स्टूडेंट्स वॉयलेंट हो सकते हैं और क्या उन्होंने स्टूडेंट्स को वॉयलेंट रैली या पीसफुल रैली करने के लिए परमिशन दिया है? तो मेरा यह एक प्रश्न है। मेरा दूसरा प्रश्न है कि मध्य प्रदेश, बिहार, झारखंड और उड़ीसा से ट्राइब्स सौ साल से भी ज्यादा समय से चाय बागानों में काम करने के लिए जाते हैं। तो स्टेटमेंट में जो मुंडा, ओरन, गोंड्स, संथाल जातियों के बारे में लिखा है तो मैं इसमें जोड़ना चाहूंगी कि झारखंड और उड़ीसा से भी ''होहे'' और ''कोल'' ट्राइब्स के लोग भी हैं, लेकिन स्टेटमेंट में नहीं है, तो क्या इसके बारे में उनके पास कोई इंफार्मेशन है या नहीं है, मुझे यह जानकारी नहीं है। इसमें तो मैं यह कहना चाहूंगी कि इन ट्राइब्स को भी इस लिस्ट में रखा जाए। क्योंकि जब

भी इन लोगों को रिजर्वेशन क्लास में शमिल करने का मौका मिलेगा अच्छा रहेगा, क्योंकि उड़ीसा, झारखंड, छत्तीसगढ़ से वे माइग्रेटेड ट्राइब्स हैं। मैं यह भी कहना चाहूंगी कि जिस तरह से आदिवासी महिलाओं के साथ दुर्व्यहार किया गया है तथा उधर के जो एक मंत्री हैं उनके घर में एक आदिवासी महिला गई, जिसको मंत्री जी ने कपड़ा वगैरह देकर शरण दी थी तथा उसको बाद में घर भिजवाने का काम किया, इसके लिए मैं उनको धन्यवाद देना चाहूंगी। इसके अलावा मैं केवल यह कहना चाहूंगी कि उड़ीसा, झारखंड और छत्तीसगढ़ में प्रोटेस्ट के तौर पर 36 घंटे का बंद हुआ। तो क्या मंत्री जी को ऐसी जानकारी है कि इसके पीछे कोई साजिश तो नहीं है, क्योंकि आज तक जितने भी ट्राइब्लस जो धनुष, तीर, पत्थर, लाठी लेकर प्रोसेशन में गए थे, मेरे हिसाब से कोई भी राज्य सरकार ने इस तरह से सामान लेकर पीस रैली करने के लिए परमिशन आज तक दिया नहीं है। यह सब हथियार वगैरह लेकर जो लोग रैली में गए थे तो क्या सरकार के पास इस तरह की कोई जानकारी नहीं थी कि उनके पीछे किन्हीं असामाजिक तत्वों का हाथ तो नहीं है।

महोदय, मैं दूसरी जानकारी यह लेना चाहूंगी कि आज हम नक्सलाइट्स और माओवादियों की बात कर रहे हैं। ऑल इंडिया नेशनल लिबरेशन आर्मी का जो एक संगठन है, क्या इसके द्वारा उनका साथ देने के बारे में स्टेट गवर्नमेंट या सैंट्रल गवर्नमेंट के पास कोई जानकारी है? राज्य सरकार द्वारा जुडिशियल इंक्वायरी करने के लिए जैसा अभी शर्मा जी ने कहा है, तो मैं इसके लिए केन्द्र और राज्य सरकार, दोनों को मुबारकबाद देना चाहूंगी लेकिन इसमें इंक्वायरी की कोई समय-सीमा भी होनी चाहिए। ऐसा न हो कि छः माह या एक साल बाद इक्वायरी रिपोर्ट सब्मिट हो और तब तक कलप्रिट हमारे हाथों से बहुत दूर निकल जाए, जिसके खिलाफ हम कुछ भी कार्रवाई न कर सकें। मैं केवल यह जानकारी और लेना चाहूंगी कि प्रिकॉशन के लिए सरकार के पास उपाय है, क्योंकि इससे उड़ीसा, झारखंड लगा हुआ है तथा उधर एक भाई ट्राइब्ल है, लेकिन चाय बागान में वह ट्राइब्ल नहीं है। यह बहुत सेंसेटिव इश्यू है। इस कारण सारे ट्राइब्स एक मुहिम में जुड़ जाएंगे। तो भविष्य में उड़ीसा और झारखंड में इस तरह से आंदोलनों को रोकने के लिए सरकार के पास कोई चिंता और विचार है, यह मैं जानना चाहूंगी? धन्यवाद।

SHRIMATI JAYA BACHCHAN (Uttar Pradesh): Thank you, Sir. It is very strange that before we started discussing this subject, our hon. Minister Jaipal Reddyji said a lot of things about the Opposition and now when we are discussing such a major problem and seeking clarifications, he is not here. A lot of the Members of the Treasury are also not here.

MR. DEPUTY CHAIRMAN: He is not the Minister concerned.

SHRIMATI JAYA BACHCHAN: Sir, everybody is Member of this House.

MR. DEPUTY CHAIRMAN: He is not a Member of this House also.

SHRIMATI JAYA BACHCHAN: I am sorry, I am not talking about him in particular. I am saying that when you are talking about some other people, you have to look at yourself and your side also. It is like that ...*(Interruptions)*... pot calling the kettle black or the kettle calling the pot black. ...*(Interruptions)*...

PROF. ALKA BALRAM KSHATRIYA (Gujarat): What about your party? ...*(Interruptions)*...

**श्री उपसभापति:** नहीं, आप रहने दीजिए। ...(**व्यवधान**)...

**श्रीमती जया बच्चन:** हमने कहा कि दुख जाहिर किया। दुख तो वह जाहिर कर रहे थे, मैं उसके लिए कहना चाह रही थी। ...(**व्यवधान**)...

**श्री उपसभापति:** आप क्लेरिफिकेशन्स पूछिए।

SHRIMATI JAYA BACHCHAN: Sir, I would like to take this opportunity. I was present in the House when our Minister Jaiswalji read out the statement. Sir, these kinds of ethnic groups have, time and again, asked for protection, asked for a certain status, and I have noticed that most of the time either they are overlooked or ignored or kept away in the backburner. And, ultimately these kinds of agitations take place because, you know, the problems pile up and the militants groups, which are so active all over the country, take

advantage of situations like this and incite the simple tribal people and then agitation happens and violence happens. I have not really heard of tribal people using guns. I mean. I have heard of them using other means for violence but not guns. It is shocking that this kind of violence took place where the police was onlooker. They were standing and watching the whole show and the whole violence taking place. In fact, these ordinary simple tribal people were manhandled by them. I had been to Assam in the past when a lot of north Indians were attacked and killed. I do not know what happened after that. I remember that we went from our party and announced some sums of money. There were a lot of women who had lost their husbands, who had lost their children, who had lost their bread-earners. There were also educated women who were asking for jobs. We requested the Government to give those women jobs. They wanted simple jobs like teachers or some small jobs in Government office. I do not know what happened to that. That was ignored. That chapter was kept away, closed, shut. I do not know whatever the compulsion of the Government was. But, nothing happened. No report was given. We did not even discuss that whole matter. Now, this matter has come up and it is a pity that in such situations, women are always targets. Thanks to the media, it is very strange coming from me, but thanks to the media that the entire nation got to see what happened there. I know the media did it for their TRP and for the commercial purpose. Their intention was not to bring the Government to book or the failure of the police to book. This was just for the TRP. But, we got to know about it. We saw it. It is shameful. It is absolutely shameful for a nation where we are talking about such major activities, we are talking about major deals, women are being humilitated time and again. There are many such incidents. I think, this has to be seen very strongly and the persons who were standing there, especially, the policemen who were standing there, who saw this, must be taken to task and the people who did what they did to this lady must be publicly punished. Sir, until and unless we make these punishments public, and we punish these people publicly—that is done in a lot of other countries—these kinds of activities, these kinds of insults of women will continue to take place. I have tremendous respect and regard for the Home Minister who I know is a very *shantivadi* person, who believed in peace. Sir, in order to bring peace in this violent time, in this country, I think, you need to get very tough. Your softness is not going to work. I really request you to find out who those people were. Only one lady was shown on television, but there were lots of other women who went through humilition. Please find out who were those people. They should be flogged publicly, so that such incidents never take place. Thank you so much for listening to me.

SHRI MATILAL SARKAR: Sir, at the outset, I on behalf of my party, the Communist Party of India (Marxist), strongly condemn the brutal attack on the adivasi demonstrators and the heinous barbarity committed against adivasi women demonstrators in broad daylight on 24th November, 2007 at Guwahati. I also strongly decry the vandalism committed by a section of demonstrators against the civilians and their properties. These acts pasted a slur on their democratic right to demonstrate highlighting their legitimate demands.

Secondly, Sir, I fully endorse the issue of declaring adivasis, along with other communities, as ST for whom the movement is on in the State. I urge upon the Government to concede to their demand.

Sir, the hon. Minister has made a statement. But it is very brief. And, to me, it lacks in providing information of many incidents that took place. That has to be taken into consideration. That is why I would like to give some information for the hon. Minister, so that he can look into the whole matter in totality.

Sir, the total adivasi population in Assam is nearly ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: If you go on giving information...*(Interruptions)*...

SHRIMATI MATILAL SARKAR: Why are they demanding ST status? During the middle of the 19th Century, these people were brought in by the British Govt. from different parts of the country as tea labourers. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: One minute. Please listen to me. We can discuss such issues. There are two issues. One is violence. The other is the reservation. If you remember, the Home Minister made the statement. It is quite different. We can always discuss reservation, their conditions and like that. This is clarification. This is not a debate.

SHRI MATILAL SARKAR: Sir, I am submitting it for reference only. They were brought from Bihar, Jharkhand, Orissa, Madhya Pradesh and other States. In their respective States, they are still considered as ST. But, in Assam, they are not treated as ST. It is double standard.

Sir, coming to clarifications, first of all, my submission is that all Adivasi Student' Association of Assam is not a banned organisation. It has the right to approach the Government with its demands. The District Magistrate, who is the representative of the Government, refused the organisation to hold demonstrations. This was most unbecoming of him. They approached the Government systematically and legally to hold demonstrations and the DM told them they could not. This is the reason why later all these things happened. For this one mistake, one unwise, incorrect decision, what was supposed to be a peaceful rally turned into a bloody battleground. Sir, it is very regretful that this trouble has been invited. Sir, it was a declared programme. Through the DM had refused to permit the rally, the responsibility of the Government to guard the rally in the public interest did not end. But what has happened? It is understood that procession was not guarded and only some traffic police was there. They were the silent spectators. So, knowing that fully well, the procession was not well-guarded; and they thought that no disturbance would come to them or they would not make any disturbance. **(Time-bell)**

Sir, my next point is, when the procession was breaking the police cordon, whether there was only Magistrate to order the police to resort to lathicharge or do something else. Because previously, there was no permission to hold the procession, so when the procession is being held, when it is being continued, there should be some Magistrate and when the cordon is broken, the Magistrate should order whether to fire tear gas and all that.

I would like to know from the hon. Minister whether such arrangements were made. Sir, the hon. Minister has mentioned that the Adivashi demonstrators were attacked as a part of retaliation. Sir, can the Government allow retaliation, as mentioned in the statement? It is shocking to note that the retaliation was very brutal, where a woman was stripped on the street, in public. The barbarity exceeded all limits. Now, who will answer to the nation? Sir, I demand stringent action against those who committed this. **(Time-bell)** Sir, we have come to know that lot of missing cases are there. Sir, we are worried about the fate of those Adivashi boys and girls who are missing. In the name of 'missing', whether actually they have been killed. We are afraid. We are very much worried and we would like to know from the hon. Minister to give us the correct figure and the correct report on what had happened to them. ...*(Interruptions)*...

Sir, we are thankful to the local people who have come forward to save the helpless Adivashi demonstrators and have given them shelter. Sir, I thank them. We are thankful to them. The State Government also is now taking post-incident steps. Sir, now, when, the Government is taking post-incident action.... *(Time-bell)*

MR. DEPUTY CHAIRMAN: Please conclude Mr. Sarkar. ...*(Interruptions)*... It is not a debate. I have been repeating it. It is a clarification.

SHRI MATILAL SARKAR: Sir, all this will help the hon. Minister.

MR. DEPUTY CHAIRMAN: Then, you can send it him in writing.

SHRI MATILAL SARKAR: Sir, the thing is that when an incident has occurred like this, it is the responsibility of the State Government. The State Government has miserably failed. The State Government has miserably failed to tackle the situation, knowing in advance as to what is going to happen. The whole responsibility vests in the Administration and the Police. Sir, while ending, on behalf of my party, I would like to put forward some demands for the hon. Minister. Firstly, all culprits responsible for violence and counter-violence during the protest organised by the All Adivashi Students Association of Assam of Beltola area in Guwahati be traced and brought to book immediately. Disciplinary proceedings be drawn immediately against all those responsible for police inaction and administrative failure during the violence. The judicial probe into the violence be conducted by a sitting High Court Judge and completed within a reasonable time for speedy trial of the culprits. Adequate compensation to the victims be given and proper medical treatment to the injured be ensured. The State Government must ensure peace and amity among all sections of the people and prevent the spread of violence. The long standing and just demands of the six backward communities of Assam, namely the Adivasis, the Koch-Rajbanshis, the Tai-Ahoms, the Marans, the Mataks and the Chutiyas for granting the Scheduled Tribe status be fulfilled immediately. Finally, I would like to add one line that I, on behalf of my party, desire that the House will join me in calling upon the peace-loving people of the State to come forward to launch peace initiatives, to build up confidence of amity and communal harmony and also to restore the great values of plurality of culture that has been prevailing in Assam from time immemorial. I have deep respect for the Assam culture. It is a culture of plurality, it is a combination of all cultures, tribals and non-tribals, and that has to be maintained, that has to be strengthened, and that has to be stabilized, and that is why, all the peace-loving people of Assam should come forward. Thank You.

श्री मंगनी लाल मंडल (बिहार): उपसभापति महोदय, ...(व्यवधान)...

श्री उपसभापति: आपको शायद रिमाइंड करवाने की जरूरत नहीं है कि समय का ध्यान रखिएगा।

श्री मंगनी लाल मंडल: नहीं, सर मैं बहुत समय नहीं लूंगा, केवल एक ही बिन्दु पर माननीय मंत्री जी की प्रतिक्रिया जानना चाहूंगा और उसी संबंध में अपनी बात रखूंगा।

माननीय सदस्यों ने यहां बहुत सारी बातें रखी हैं। माननीय राज्य मंत्री जी का जो वक्तव्य है, वह मेरे हाथ में है, उसमें कहा गया है, an inquiry by Shri P.P. Verma, Additional Chief Secretary has been ordered. लेकिन उसके बाद अखबार में यह समाचार छपा है कि हाई कोर्ट के रिटायर्ड जज से ज्यूडीशियल इंक्वायरी करवाई जाए। इसलिए हमारी मांग है कि जो बात अभी श्री मतिलाल सरकार जी ने कही है, यह इंक्वायरी सिटिंग जज से करवाई जाए।

दूसरी बात यह है कि हमें सरकार की विफलता या सफलता के बारे में कुछ नहीं कहना है। सरकार ने जो कुछ किया, अच्छा किया। मैं उसकी निन्दा नहीं करता हूं, लेकिन अपनी पार्टी की ओर से वहां पर हुई घटना की मैं घोर

भर्त्सना करता हूं। जिस बर्बता के साथ आदिवासी छात्रों के साथ वहां के प्रशासन और पुलिस ने व्यवहार किया है, वह बहुत निन्दनीय है। यहां तक कि आदिवासी महिला का जो वर्णन श्रीमती जया जी ने किया है कि उसे वहां नंगा घुमाया गया और टीवी ने भी उसे दिखाया, उसके बाद यह भी बताया गया कि विद्यार्थियों ने आक्रमण किया। असम तो उग्रवाद प्रभावित राज्य है ही। जब भी कोई प्रदर्शन होगा या जुलूस निकलेगा और प्रशासन के द्वारा एहतियाती तौर पर कोई सतर्कता नहीं बरती जाएगी तो वहां पर जो उग्रवादी संगठन हैं, वे तो अपना हाथ साफ करेंगे ही। जया जी ने यह बात ठीक ही कही है, लेकिन हमको जो बिन्दु यहां कहना है, वह विषय यह है कि जो अनुसूचित जाति के लोग हैं, जिनकी संख्या उस प्रदेश में करीब 34 लाख है, वे अनुसूचित जनजाति का दर्जा चाहते हैं। लेकिन सरकार ने इसके लिए इन्कार किया है। माननीय राज्य मंत्री जी ने जो वक्तव्य दिया है, उसमें कहा है कि The Government of Assam had also initially consistently opposed giving them the ST status. मैं आपसे पूछना चाहता हूं कि आप स्टेटस देने के लिए इन्कार क्यों करते हैं?

महोदय, इस देश में जैसी संवैधानिक व्यवस्था है, हम अगर एक राज्य से दूसरे राज्य केरल में जा कर बस जाएं तो दो बातें हो सकती हैं। वहां पर एक एफिडेविट दे करके इस्लाम कबूल कर सकते हैं, हमें मान्यता मिलेगी। एक एफिडेविट दे करके बुद्धिस्ट बन सकते हैं, तुरन्त मान्यता मिलेगी। एक एफिडेविट दे करके हम सिक्ख बन जाएं या ईसाई बन जाए, मान्यता मिल सकती है, लेकिन कोई अनुसूचित जनजाति का आदमी अपनी जाति नहीं बदल सकता है एक संवैधानिक व्यवस्था है कि कोई अपनी जाति नहीं बदल सकता है। अगर किसी ब्राह्मण को भी अपनी जाति बदलनी होगी तो यह संभव नहीं है, लेकिन दो ब्राह्मण या दो आदिवासी, चाहे वे किसी भी जाति के हों, उनमें से अगर एक भाई अपनी जाति बदलना चाहे, तो दूसरा कोर्ट में चला जाएगा, एफिडेविट देगा और उसे मान्यता मिल जाएगी। सर, सवाल यह है कि जो एक प्रदेश में कोई अनुसूचित जन जाति है, दूसरे प्रदेश में कैसे वह दूसरी जाति का हो जाएगा। यह बात ठीक है कि हमारे यहां व्यवस्था है, हर राज्य में अलग-अलग पिछड़ा आयोग है, संवैधानिक व्यवस्था है।

यहां भी अनुच्छेद 340 के तहत पिछड़ा वर्ग आयोग की व्यवस्था है। यह संवैधानिक व्यवस्था है। एक जाति जो किसी प्रदेश का मूल निवासी है, वहीं जाति दूसरे प्रदेश में अगर मूल निवासी है, तो उसके स्टेटस में फर्क हो सकता है। कोई पिछड़ा हो सकता है, कोई अनुसूचित जाति हो सकता है, लेकिन यदि किसी अनुसूचित जन जाति ने एक प्रदेश से 200 वर्ष पहले माइग्रेट किया है, तो उसकी जाति कैसे बदल सकती है?

महोदय, मैं एक बयान पढ़ना चाहता हूं। माननीय मंत्री जी इस देश के बहुत वरीय राजनीतिज्ञ हैं। इस हैसियत से मैं उनसे अनुरोध करना चाहता हूं, क्योंकि यह मामला ठंडाने वाला नहीं है। आदिवासी लोग 34 लाख हैं, जो कई प्रदेशों से गए हैं। मैं यहां पर एक आधिकारिक बयान को उद्धृत करना चाहूंगा:-

"Assam DGP, Mr. R.N. Mathur, told reporters that a detailed investigation had been ordered into the incident. The Santhal Adivasis are one of the earliest inhabitants of modern Assam who were brought to the State by the British planters to work in the tea gardens in the middle of the 19th century. They have, for year, been demanding ST status which they enjoy in the rest of the country barring Assam."

उनके साथ ऐसा अन्याय क्यों है? हम जानते हैं कि इसमें असम में अंतर्विरोध है। विरोधाभास राजनीतिक कारणों के लिए है कि जो मूल निवासी अनुसूचित जन जाति है, वह नहीं चाहती होंगी कि दूसरे प्रदेश से जो ट्राइब्स आ गए हैं, उनको यह स्टेटस मिले क्योंकि उनके रिजर्वेशन का जो निर्धारित कोटा है, वह कोटा वे इन्ज्वाय करेंगे। इसीलिए ...(**व्यवधान**)...

**श्री उपसभापति:** मंगनी लाल जी, माफ कीजिएगा। यह जो स्टेटस का इश्यू है ...(**व्यवधान**)...

**श्री मंगनी लाल मंडल:** नहीं, सर। यह बयान में है। ...(**व्यवधान**)... यह बयान में है ...(**व्यवधान**)... मैं बाहर से नहीं कह रहा हूं ...(**व्यवधान**)...

**श्री उपसभापति:** नहीं, वह बयान निकाल दिया गया है ...(**व्यवधान**)...

**श्री मंगनी लाल मंडल:** बयान में इस बात का उल्लेख था ...(**व्यवधान**)...

**श्री उपसभापति:** देखिए, यह किसके बयान में है, मैं इसीलिए आपसे कह रहा हूं ...(**व्यवधान**)...

**श्री मंगनी लाल मंडल:** मैं इसी पर क्लैरिफिकेशन चाहता हूं ...(**व्यवधान**)...

**श्री उपसभापति:** हम उनके स्टेटस की चर्चा कर रहे हैं या वायलेंस की चर्चा कर रहे हैं? ...(**व्यवधान**)...

**श्री मंगनी लाल मंडल:** इसमें दोनों बातें हैं ...(**व्यवधान**)...

**श्री उपसभापति:** नहीं, दोनों की नहीं ...(**व्यवधान**)...

**श्री मंगनी लाल मंडल:** वायलेंस की भी बात है और इनके स्टेटस की भी बात है ...(**व्यवधान**)... अगर आप आज इसका समाधान नहीं करेंगे तो कल भी यही होगा, परसों भी यही होगा ...(**व्यवधान**)...

**श्री उपसभापति:** स्टेटस का यह विषय बहुत लम्बा है ...(**व्यवधान**)...

**श्री मंगनी लाल मंडल:** उसके बाद यह अपना हाथ साफ करता रहेगा और असम रक्तरंजित होता रहेगा ...(**व्यवधान**)...

**श्री उपसभापति:** मैं उसे इनकार नहीं कर रहा हूं ...(**व्यवधान**)... मगर आप confine to violence. *(Interruptions)*... The statement is on violence. *(Interruptions)*...

**श्री मंगनी लाल मंडल:** महोदय, मैं बाहर नहीं जा रहा हूं। मैं आपका आदेश मानता हूं। आपका आदेश शिरोधार्य है। जो माननीय राज्य मंत्री जी का वक्तव्य है, मैं उससे बाहर नहीं जा रहा हूं। ...(**व्यवधान**)...

**श्री उपसभापति:** मैं मना नहीं कर रहा हूं ...(**व्यवधान**)...

**श्री मंगनी लाल मंडल:** उसी विषय पर प्रदर्शन हो रहा है। उसी प्रदर्शन में आदिवासी छात्रों को पीटा गया है। ...(**व्यवधान**)... उनकी महिलाओं को, उनके बच्चों को ...(**व्यवधान**)...

**श्री उपसभापति:** आपको उसका जवाब नहीं मिलेगा ...(**व्यवधान**)...

**श्री मंगनी लाल मंडल:** आखिर यह खेल अनुसूचित जाति और जनजाति के साथ इस देश में कब तक होता रहेगा। हमारा यह सवाल है। ...(**समय की घंटी**)... यह कोई मामूली बात नहीं है। इसलिए इस बिन्दु पर मैं चाहता हूं कि अगर भारत सरकार अपना कोई स्टैंड क्लियर नहीं करेगी और नीचे से असम सरकार का स्टैंड आएगा, तो यह वायलेंस होता रहेगा, यह नहीं रुकेगा। अनुसूचित जाति और जनजाति को अपना अधिकार चाहिए, इसलिए अगर भारत सरकार इसको रोकना चाहती है, तो उनको जो लीगल राइट है, कांस्टीट्यूशनल राइट है, वह राइट उनको मिलना चाहिए और इस पर माननीय मंत्री जी का क्लैरिफिकेशन चाहिए।

DR. CHANDAN MITRA (Nominated): Thank you, Mr. Deputy Chairman, Sir. A lot of points have been made. Therefore, I should be brief. One point which I would like to raise with the hon. Home Minister is that what has happened in Assam, in recent days, is actually a culmination of an atmosphere of uncertainty and terror that has been prevailing there. It is not, for the first time, that this kind of an incident has happened. There has been a series of attacks on Hindi-speaking people—Jayaji has mentioned that—and that has been going on for a long time. Inter-tribal disturbances have been going on. There have been differences between the plain tribals and the hill tribals. Now, for the last two years, there has been a steady deterioration in the law and order and inter-community relations in Assam. I would like to know from the hon. Minister, given this reality, has the Centre seriously monitored and directed the Government of Assam to take adequate steps to contain the kind of internal difficulties that have been going on and multiplying? If you do not do this, what Shri Mangani Lal Mandal just said is absolutely correct, tomorrow, there will be bloodbath all over the State.

My second point is this. Shrimati Jaya Bachacha has mentioned about it in detail. I would like to share the kind of shame that all of us, all the Indians are feeling after seeing on television the sixteen years old girl whose innocence has been completely shattered by the kind of violence that has happened. I want to know from the hon. Home Minister what action he is going to take against those bystanders, policemen and the Administration. They must also be held equally culpable. It could not have happened unless some—I cannot use any other world than 'tamashbeens' had not been hanging around and watching the fun. Some action must be taken against them. The matter needs to be taken much more seriously. I disagree with Jayaji only on one point. It is not only for TRPs. Sometimes, media does some good work too. I would request the Minister to take stringent steps and also inform the House about what steps you have taken and what steps you will take to bring those, who were watching the fun, to book for dereliction of duty.

One more point has been made by several other hon. Members. What is the problem in allocating ST status to these people? I think this is something which we have been debating for long. Shri Silvius Condpan had brought a Private Members' Bill, if I remeber it correctly, on the same subject. This subject is being discussed for more than 15 years. By not taking any decision, by not accommodating these demands, I think, the very, very wonderful pluralistic culture of Assam, as Shri Sharmah said, is being systematically destroyed. It is a very sensitive State. It is a border State. The Centre owes much more than just supervising the law and order problem. There has to be a holistic approach to the whole thing. I would request the hon. Minister to please pay attention to this matter.

Finally, I endorse Shri Matilal Sarkar's demand about the number of people who are missing. Kindly look into this matter. In the process, if the hon. Minister can look into the number of missing people in Nandigram also, I shall be even more delighted.

SHRI SILVIUS CONDPAN (Assam): Sir, I want to make one point. I come from that State. My people are very much affected. I want to know only one thing. The Government of Assam knows that the whole agitation has been going on for the last twenty-five years, as my friend has said. The people of Assam are always law-abiding. On that particular day, they came there. Supposing, they came without permission and took out a procession. But what made the police to become a watchdog? Why didn't the police prevent the procession from coming to the town? I request the Minister to inquire into this matter. This is my humble request to the Home Minister.

SHRI DWIJENDRA NATH SHARMAH: Sir, I want to say only one thing.

MR. DEPUTY CHAIRMAN: Mr. Sharmah, there is no end to it.

SHRI DWIJENDRA NATH SHARMAH: Sir, Dr. Chandan Mitra and Shrimati Bachchan have talked about violence against Hindi speaking people. Sir, Assam has been passing through a very critical period for the last 25 years. What happened on 24th ...

MR. DEPUTY CHAIRMAN: The Home Minister will reply to it. Why are you answering each other?

SHRIMATI JAYA BACHCHAN: Sir, he is from the State. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: That is not the point. Mr. Sharmah, let the Home Minister speak. You have already made your point.

SHRI MATILAL SARKAR: All parties have supported this demand.

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Sir, students belonging to Tribes wanted to come to Guwahati and take out a procession. Permission to come to Guwahati and hold a meeting was given to them. But permission to take out a procession was not given. As many other things were happening in the State, the police was involved in providing security to them. Elections were taking place; some other meetings were taking place. So they were told that they could come to the city, hold a meeting, but they should not go out on a procession. That is why there were not a large number of policemen available at the place where the meeting was held. Suddenly the students came out of the meeting place and they started a procession moving from place to place in the city. In the process, some kind of vandalism was committed. Some shops were broken; stones were thrown at the shops. Some vehicles were burnt. These kinds of things were done over there, and the police presence was very, very meagre over there. Later on, the police was informed. The police came to the area in large numbers, and they tried to control the situation. When the students were going out, the persons whose shops were attacked, the persons whose vehicles were burnt, they collected in groups, and they started attacking the students. So, the number of persons present over there had increased. That is why it was not possible immediately to control that situation, and these things happened. Now, this is the kind of information given to me by the State Government. So, such a sorry incident has happened over there, and we are indeed very, very unhappy about it. This should not have happened, and the police should have taken extra care to see that this had not happened. But it did happen. I am told by the Government of Assam that they have arrested the persons, who molested the girl, and they have started proceedings against them ...*(Interruptions)*... Now, we do not have that kind of a procedure of flogging them publicly ...*(Interruptions)*

DR. CHANDAN MITRA: They have been arrested because their pictures were captured in camera. The question is: What about the policemen?

SHRI SHIVRAJ V. PATIL: I am coming to that. The persons have been arrested, and proceedings have been started against them. I am sure that since there is evidence to show that they were responsible for that incident, they would be punished by the Court also. So, this is what I feel that since evidence is there, that evidence will be sufficient to punish them. The second clarification that was sought is: What action has been taken against the police? The State Government has taken action against the police officers who were in that area. I am told that they have taken action against the police as well. When these boys were going back to their places, one vehicle was attacked, and one person, who was going in that vehicle, was killed. The Government has arrested 10 or 11 persons there also, and the proceedings have started against them. This is the information with regard to the incident which has happened over there.

Sir, as far as the problem of including a particular section of the society in the category of Scheduled Tribes is concerned, there are rules and there are some criteria laid down for this purpose. Now if a section of the society is declared as belonging to a particular Tribe in a State, they can ask for the benefits from that State alone. But if they go out to some other State, that cannot be done. So, these are persons who are included in the list of Scheduled Tribes in the States from which they come. But they are not included in Assam in the list of the Scheduled Tribes. That is the problem. So, if they have to be included in the list,— a Commission was appointed — the criteria laid lown is that they should have a unique culture. The second is that they should be shy and they should not be willing to mix in the society as such. Then, there should a particular number of persons and all that. This is a commission appointed ...*(Interruptions)*... Now, please don't do that. Hear me first.

MR. DEPUTY CHAIRMAN: These are the prevailing rules.

SHRI SHIVRAJ V. PATIL: This is not decided by the Government. The criteria are laid down by the Commission, independently appointed for this purpose. Now, without going into it, if you are laughing, you are not understanding the purport of it. So, Sir, these are the criteria which are laid down for this. And, that is why, the difficulty is not only in Assam, the difficulty is there in other States also. There is a difficulty in Kashmir. There is a difficulty in Rajasthan. It is there in Assam. The difficulty in Kashmir is that there are some *Gujjars* and there are some *Pahadis*. Now, the *Gujjars* are the Scheduled Castes and the *Pahadis* are asking that they should be included in the category of Scheduled Tribes. But, then, the *Gujjars* are opposing that thing. Now, in Rajasthan, the same kind of problem is there. In West Bengal also, there is a problem of this kind, of *Rajbansis* and all those people.

SHRI KUMAR DEEPAK DAS: But that is a problem, Sir ...*(Interruptions)*...

SHRI SHIVRAJ V. PATIL: That is right; that is the problem.

MR. DEPUTY CHAIRMAN: It is a process.

SHRI SHIVRAJ V. PATIL: This is a problem which is being faced by the State Governments and the Union Government and the authorities who have to decide which communities are to be included in the category of Scheduled Tribes and Scheduled Castes. There is one more thing which has to be kept in mind. When a demand for this kind of a thing is made, those who are already in that category, oppose it. It is like the railway syndrome; persons who get into the bogie do not like others to get inside the bogie. Similarly, those who are already in that category feel that if the number increases, the benefits which are being given to them will not be available. That is what happens. So, the Government has to be very careful. Government has to consider the demand made by the people there to be included in this category as well as the resistance offered by others, who are already there, and then decide what is just and what is to be done in a manner that will give justice to one and all. That is the problem. (*Interruptions*)

SHRI KUMAR DEEPAK DAS: Sir, twenty years have elapsed. That is the problem. (*Interruptions*)

MR. DEPUTY CHAIRMAN: Please sit down. (*Interruptions*) No, that has nothing to do with the present. (*Interruptions*) For that you will not get the answer because it is a process. Twenty years have gone, what can be said immediately now?

SHRI SHIVRAJ V. PATIL: Sir, this is the problem. Now, I am asked, "What is the Government's stand". The Government's stand is, not to reject it, not to accept it in a manner that will not give satisfaction to all. The Government's stand is to accept it in a manner that will give satisfaction to all. And, this is the problem. When we want to take an extreme position, it is very easy. Somebody can come here and ask us to include them. This is an extreme position. Somebody can come here and say, "Don't include them, exclude them; reject their demand." It is a very easy position to take. But if we want to do real justice, we shall have to go into all the details. And, that has to be done not only by one authority, but by following the procedure laid done for this purpose—let me explain to the hon. Members—the procedure is that first of all, the State Government has to recommend that that section of the society should be included in that category. The initial step is that the State Government should make a recommendation of that kind. When that kind of recommendation is made, it is sent to the RGI. He examines what the number of such people in that area is. Then, he

gives his recommendations. That matter does not stop over there. Then, there is a Tribal Commission. The matter goes to the Tribal Commission. The Tribal Commission examines whether that section of the society should be included in the category of the tribals or not. And after that is done, it goes to the Ministry of Tribal Affairs, and that Ministry decides whether it should be done or it should not be done. Then, the matter goes to the Cabinet, and the Cabinet takes a decision. Then, it is to be done. So, these are the steps through which it has to go. Now, if the recommendation is not given by the State, we cannot take it up. If the recommendation is given and yet the RGI is saying that it cannot be done, there would be a difficulty. If the RGI says 'yes', and the Commission says 'no', there would be a difficulty. Why are these kinds of steps provided? These kinds of steps are provided in order to see that justice is done to one and all, and justice is not done in a manner which is one-sided. Now, this is the kind of thing which has to be done, it is easy to say, do it or don't do it. Today, you are saying, do it. Tomorrow, if there is an agitation started by the students in Assam against this , then , you would say, 'why did you do it?'. We cannot take a stand like that. This is a very, very sensitive matter. This kind of matter is sometimes used by some people who want to create problem for us. A question was asked. It appears that there could have been a conspiracy to start this kind of agitation. Well, I am not saying that there was a conspiracy or there was not a conspiracy. But, one gets a feeling that there are some people who are trying to understand such areas which can be used for creating controversy and creating trouble in the sensitive areas in the country. This aspect also cannot be lost sight of. That is why this problem. But, I would like to say, and I would like to say on behalf of the Government of India that if there is a demand made by one tribe or two tribes or six tribes or more tribes, we will examine them carefully, and not just reject it and say that it cannot be done. But, we will do it in a fashion which will give satisfaction to one and all. We will have a very, very considerate view, a just view about this issue, Sir. I cannot say anything more than this; I cannot say, 'no, I will not do this' or I cannot say, 'yes, I will do it'. Both the things will not be correct. This is the kind of stand I am taking, Sir.

MR. DEPUTY CHAIRMAN: Thank you. The House stands adjourned to meet toworrow at 11.00 a.m.

The House then adjourned at fifty-two minutes past five of the clock till eleven of the clock on Friday, the 30th November, 2007.

GMGIPMRND—2647RS—25.9.2008.